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In re Application of
 Akkar et al.
 Application No.: 10/520,806
 PCT No.: PCT/IB03/03120
 Int. Filing Date: 07 July 2003
 Priority Date: 09 July 2002
 Attorney Docket No.: 76.0726/PR
 For: Method To Secure An Electronic Assembly
 Against Attacks By Error Introduction

: DECISION
 :
 : ON
 :
 : PETITION

This is a decision on applicants' "Reconsideration Request For Petition Under 37 CFR 1.182" filed on 26 November 2007.

DISCUSSION

In a Decision mailed on 01 October 2007, the previous "petition under 37 CFR 1.182" was dismissed without prejudice because, under 37 CFR 1.8(b),

Regarding requirement (3), petitioner has not provided an appropriate statement, made on the basis of first-hand knowledge, attesting to the timely transmission of the reply. Specifically, petitioner should provide a statement from his "former partner" attesting to the facts surrounding the alleged transmission of the reply. For this reason, the submitted docket sheets do not satisfy requirement (3).

Though petitioner has requested treatment under 37 CFR 1.182, this petition is does not require treatment under 37 CFR 1.182. Therefore, the \$400.00 petition fee paid on 08 August 2007 is being refunded to Deposit Account No. 50-2299, as authorized by the Transmittal Letter filed on 10 January 2005.

The \$400.00 petition fee was refunded as not required.

In response, petitioner has provided a "Statement of Timely Transmission of Reply" signed by Jennifer A. Beasley, which satisfies 37 CFR 1.8(b)(3). All of the requirements of 37 CFR 1.8(b) having been satisfied, the 09 August 2007 "additional copy" of the correspondence originally filed on 13 June 2006 would be acceptable as a timely reply to the Notification of Missing Requirements mailed on 13 April 2006.

Further review of the record reveals that an acceptable declaration was filed under PCT Rule 4.17(iv). Therefore, the surcharge under 37 CFR 1.492(h) referenced in the Form PCT/DO/EO/905 mailed on 13 April 2006 was not required. In addition, petitioner paid a \$400.00 petition fee under 37 CFR 1.182 on 26 November 2007, but said fee is not required, and accordingly it is being refunded.

DECISION

The petition is **GRANTED**, to the extent noted above.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **10 January 2005**.



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